

**“You are welcome hither.”**

## **VILLAGE OF ARDEN ORDINANCE - #11 ENCROACHMENTS ON THE RIGHTS OF WAY**

*Revised text replaces Ordinance #11 adopted January 26, 1981, Adopted by the Town Assembly, September 28, 1992*

Purpose: The residents of the Village of Arden wish to promote safety and preserve the beauty of the village by requiring that residents refrain from improperly using areas between leaseholds and paved roads or paths.

**SECTION 1.** It shall be the responsibility of each leaseholder to refrain from introducing anything that will interfere with rights-of-way adjacent to their leasehold. The criteria for maintaining rights-of-way are that they be kept clear enough to allow pedestrians to step off the road surface to make way for vehicular traffic, to allow two wheels off parking except where such parking is specifically prohibited, and to allow for safe visibility of pedestrians and vehicles. The right-of-way shall be determined by the distance from the center of the currently paved road or path to the leasehold, as detailed in Section 7 of this ordinance.

**SECTION 2.** Rights-of-way shall be kept clear of plantings and overgrowth that do not meet the guidelines set forth in Section 1. With the exception of mailboxes, rights-of-way also shall be kept clear of permanent objects that do not meet the guidelines set forth in Section 1.

**SECTION 3.** The Civic Committee is empowered to determine which leaseholds have plantings or permanent objects that need trimming, cutting, cleaning, or clearing to comply with this ordinance and shall inform leaseholders or their tenants, in writing, of their determinations.

**SECTION 4.** In the event such notice from the Civic Committee does not result in the required action within thirty (30) days, the Civic Committee is empowered to have the work done.

**SECTION 5.** The leaseholder or tenant may request an appeal hearing of the Civic Committee determination. The request must be filed with the Town Assembly Secretary in writing within thirty (30) days after receiving the Civic Committee notice. Such appeal shall negate Section 4 until after all appeal options have been exercised. The appeal shall first be heard by a board of one member each of the Civic, Safety, and Community Planning Committees within thirty (30) days. If the result of the appeal to the board is not satisfactory to the leaseholder or tenant, the appeal may be heard at the next Town Assembly by filing a request in writing with the Town Assembly Secretary within seven (7) days after the decision of the board. A decision by the Town Assembly in favor of the leaseholder or tenant shall be final. All decisions of the board and the Town Assembly shall be transmitted to the leaseholder or tenant in writing.

**SECTION 6.** Violations of this ordinance shall be punishable by a fine of not less than twenty-five (\$25) and not more than one hundred dollars (\$100), in addition to the cost of the work done under Section 4.

**SECTION 7.** The following widths of rights-of-way, which were recorded in the Deed of Transfer between the Trustees of Arden and the Village of Arden on April 17, 1967, shall be used by the Civic Committee for all right-of-way determinations, unless a leaseholder can present evidence to the contrary in the form of a leasehold survey.

### **ROADS/LANES/PATHS (alphabetically by road width)**

|   |  |
|---|--|
| 50' The Highway–Orleans Road intersection                 | 22' Lovers Lane  |
| 40' Meadow Lane   | 20' Orleans Road–Lovers Lane to Hillside Road  |
| 35' Green Lane–Cherry Lane to Ardentown                   | 18' access to Lot #87, south of Sherwood Road  |
| 30' Cherry Lane   | 15' Cherry Lane–Green Lane to woods  |
| 30' The Highway except at Orleans Road intersection       | 15' Mill Lane  |
| 30' Inn Lane  | 15' Walnut Lane–Green Lane to woods  |
| 30' Green Lane–Cherry Lane to Woodland Lane               | 12' St. Martin's Lane  |
| 30' Hillside Road except south of Sherwood Road           | 10' Fire Lane from Marsh Road  |
| 30' Little Lane   | 10' Forest Lane  |
| 30' Lower Lane  | 10' Pond Lane  |
| 30' Millers Road  |  |
| 30' Orleans Road except from Lovers Lane to Hillside Road | PATHS  |
| 30' Sherwood Road   | 15' Milky Way & Nature Path  |
| 30' Sunset Road (behind the Buzz Ware Village Center)     | 10' Pump Path & Grocery Path at Orleans end, 8' connecting Little Lane & Hillside Road narrowing to 7' at Little Lane end) |
| 30' The Sweep   |  |
| 30' Walnut Lane except north of Green Lane                | 6' Clubhouse Path, Stile Path & path connecting Lovers Lane and Harvey Road  |
| 30' Woodland Lane   |  |
| 25' Sunset Road from BWVC to Orleans Road                 |  |
| 25' Wind Lane   |  |